

COMMITTEE STATEMENT

LB 1381

HEARING DATE: February 16, 2000

COMMITTEE ON: Natural Resources

TITLE: (Beutler) Create the Niobrara Council and eliminate the Niobrara Scenic River Local Management Council

ROLL CALL VOTE – FINAL COMMITTEE ACTION

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

8	Yes	Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, Stuhr
0	No	
0	Present, not voting	
0	Absent	

PROPOSERS

Senator Chris Beutler
Paul Hedren
Rodney Verhoeff
Mark Brohman
Carl Simmons

REPRESENTING

Introducer
National Park Service
Niobrara Council
Game and Parks Commission
Self

OPPOSERS

Troy Bredenkamp
Betty Palmer
Jay Rempe

REPRESENTING

Nebraska Cattlemen
Keya Paha County Commission
Nebraska Farm Bureau

NEUTRAL

None

REPRESENTING

SUMMARY OF PURPOSE AND/OR CHANGES:

Section 1: The purpose of the bill is to reorganize the Niobrara Council as a state agency to conform to federal requirements.

Section 2: Defines the Niobrara scenic river corridor as the area designated by the federal government.

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Section 3: Creates the Niobrara Council. Members of the Council are: 1) representatives of the county boards of Brown, Cherry, Keya Paha and Rock counties; 2) representatives of the Middle Niobrara Natural Resources District and Lower Niobrara Natural Resources District; 3) representative of the Game and Parks Commission; 4) representative of the US Fish and Wildlife Service; 5) representative of the National Parks Service; 6) representative of landowners from each of the four Niobrara scenic corridor counties, to be appointed by their respective county boards; and 7) representatives of recreational businesses, of the timber industry, and of a conservation or wildlife preservation organization shall be appointed by the four county representatives on the Council. Council members are to be chosen within 90 days of the effective date of the act. The Council is required to meet a minimum of six times per year.

Section 4: The Council is to perform management functions relating to the corridor delegated to the Council by the National Park Service. The Game and Parks Commission is to provide up to \$50,000 for administrative support when requested to do so by the Council. The Council may hold title to real property in the corridor, as well as purchase or trade such property and may obtain conservation easements.

Section 5: Creates the Niobrara Council Fund to contain private or public funds for the Council to carry out its work.

Section 6: The Council will review and approve or reject all zoning regulations which affect land in the Niobrara scenic river corridor that is not incorporated within city limits. Upon rejection of the regulation, the governing body has 6 months to present an alternative. If no alternative is offered or if no acceptable alternative is offered, the Council may adopt zoning regulations for the area. If the county does not have zoning, the Council may adopt zoning regulations for the corridor.

Section 7: Any activity proposed within the corridor shall be consistent with the purpose of the scenic river designation. Any state or local agency proposing an undertaking within the corridor must submit a detailed proposal to the Council for its review. The Council has 30 days to act on the proposal, and if the Council rejects the proposal, the agency shall not proceed with the action until after a justification for the action has been submitted to the Governor and approved by the Governor in writing. Justifications are: anticipated current, future and cumulative effects on the corridor; social and economic necessity for the action; all possible alternatives to the action including no-action alternative; comparative benefits; and the mitigation measures.

Section 8: If there is a regulation enacted outside the jurisdiction of the municipality that affects the corridor, the Council may act upon it according to this act.

Section 9: If there is a regulation enacted by the county board that affects the corridor, the Council may act upon it according to this act.

Section 10: Before any owner of property located in an unincorporated area can subdivide, plat or lay out the property in building lots if the real property is located in the corridor, the approval of the Council is required. If the property is located in an area with municipal control, only the approval of the municipality is necessary.

Section 11: If the property is located in the corridor and is not incorporated within the boundaries of a city or village, the Council approval rather than the city, village or county is required.

Sections 12 and 13: Repealers.

EXPLANATION OF AMENDMENTS, IF ANY:

The amendment details the composition of the Council. The Council is to be composed of a representative of each of the four county boards of Brown, Cherry, Keya Papa and Rock; a representative of each of the

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Natural Resources Districts present in the Niobrara River Corridor; a representative of the Game and Parks Commission; allows the Governor to select from a list submitted to him for the representative of the Fish and Wildlife Service, the representative landowner of each of the four counties in the corridor, the representative of recreational business, the timber industry representative, and the representative of a recognized, nonprofit, environmental, conservation or wildlife organization.

It establishes a 3-year term limit for Council members, and requires at least six meetings be held annually, but urges monthly meetings.

The amendment requires a 2/3 vote of all the Council members selected and serving to reject any zoning regulation or variance. It also prohibits a Council member from participating or voting on any matter on which he or she participated or voted on as a member of a county board, county planning commission or natural resources district board.

Reimbursement for actual and necessary expenses is allowed.

The Council is not allowed to have zoning jurisdiction outside the boundaries of the Niobrara scenic river corridor.

It states the mission of the Council to be assisting in all aspects of the management of the Niobrara scenic river corridor, giving consideration and respect to local and governmental input and private landowner rights, and to maintain and protect the integrity of the resources associated with the Niobrara scenic river corridor.

The amendment includes a severability clause.

Senator Ed Schrock, Chairperson